IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 16TH AUGUST 2007 / 25TH SRAVANA 1929

Bail Appl..No. 4808 of 2007()

[CRIME NO.470/07 OF TALIPARAMBA POLICE STATION]

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PETITIONER/ACCUSED

C.KRISHNAN, AGED 40 YEARS,
S/O.KRISHNAN NAMBIAR, EMPLOYED AT MERCHANT NAVY,
RESIDING AT KURUMATHUR AMSOM, PANAKKAD DESOM,
TALIPARAMBA TALUK.

BY ADV. SRI.V.N.RAMESAN NAMBISAN

RESPONDENTS: COMPLAINANT

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 16/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.4808 of 2007

Dated this the 16th day of August 2007

O R D E R

Application for anticipatory bail. The petitioner is the husband. He faces allegations under Section 498A I.P.C. The marriage took place on 1/4/1999. Two children were born in the wedlock. There is strain in the matrimonial tie. According to the petitioner, vexatious and exaggerated allegations are being raised with the sole intention of vexing and harassing the petitioner. The petitioner is prepared to abide by any conditions. It is prayed that anticipatory bail may be granted to the petitioner.

2. The learned Public Prosecutor submits that the investigation is already complete and the final report has already been filed. In these circumstances, the investigating officer does not want to arrest the petitioner. It is for the petitioner to appear before the learned Magistrate and seek regular bail, submits the learned Public Prosecutor.

3. I find merit in the submissions of the learned Public Prosecutor. It is not necessary to issue any directions under

Section 438 Cr.P.C. The petitioner, I am satisfied, must appear before the learned Magistrate and seek regular bail in the ordinary course.

4. In the result, this petition is dismissed. Needless to say, if the petitioner surrenders before the investigating officer or the learned Magistrate and applies for bail, after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits, in accordance with law and expeditiously on the date of surrender itself.

Hand over copy of this order to the learned counsel for the petitioner.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007